Have You Heard About the Ducks?

Well, there are a lot of them here this year and shooting is going to be good. To be able to get the most out of their visit you should have one of our fine new

L. C. Smith Hammerless Ejector Shot Guns

A fine assortment of these guns just received; also a big shipment of CARTRDIGES, all loads. Everything that a shooter needs at

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CORNER FORT AND KING STREETS.



Tailor Made Clothing WHILE YOU WAIT

Or rather while you don't wait. Instead of making a pincushion of your back and a blackboard of your front, instead of cutting and sewing and fussing and ripping, and keeping you standing and waiting; instead of all this, you can have the finest tailor made suit in five muinutes' time. We're prejudiced— don't take our word for it, but ask the first well dressed man you meet, and he will tell you that the Alfred Benjamin & Co.'s name is inside his jacket.

From ocean to ocean Alfred Benjamin clothing is known as the best. Come in and you'll see why it's different. No higher in cost than the ordinary readymade garments.

Everything in suits—everything in overcoats, everything in dress suits and tuxedos—that a man can desire. All ready tailored, ready to wear.

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TWO STORES

Corner Fort and Hotel Streets ard Hotel near Pethel.

Advertisement Changed Mondays.



Shirt Waist Sale

Entire stock will be closed out at immense reduction. Beautiful white and colored waists in great variety and full line of sizes.

We will not attempt to give prices as it is necessary to see the goods to fully appreciate the importance of the reduction, but we promise you will not be disappointed. Come early.

We have also a new stock of infant's bonnets in silks and lawns; also infant's jackets and bootsees to

A. Blom,

PROGRESS BLOCK

Reduction Sale For 15 Days

Large Stock of New Goods Just Received From Japan Direct.

K. Fukuroda.

Robinson Block. Phone White 2421. 14 Hotel Street.

Golf Shirts for Summer Wear

The cloth used in our shirts came from England and was made up bere All our custom made shirts—

Lowest Prices

Watches, Chains, Sterling Silver Knives, Nail Files, Charms, etc., sold for a short time only, 30 per cent off regular price,

ASADA & CO. 28 HOTEL STREET.

California Calimyrna Figs

NOW ON SALE AT

OCCIDENTAL FRUIT STORE 250 a Box.

CAPITOL

(Continued from page 1.)

large extent, commits the general welfare, safety, morality and happiness of this community. You shall have no enemies to punish and no friends to reward or favor. The law, which shall be your guide, is no respecter of persons. Before you all persons, regardless of race, position or station in life, previous or present condition, religious or political views, or political affiliations, are absolutely equal. Your position as grand jurors places you above and beyond all questions of political or social conditions which may have heretofore existed or which may now exist in these Islands, which might tend to improperly influence you in the faithful performance of your grave and responsible duties. the political policies of the country. from a partisan standpoint, the Judiciary, of which you are a part, has absolutely nothing to do. You are responsible to no one except to your conscience under your oath to discharge fearlessly "with malice toward none" and without favor to any, your whole and complete duty, regardless of consequences, or whom it may affect. You should unhesitatingly proceed and act upon the absolutely essential and indispensable principle that no guilty person, high or low, rich or poor, shall escape punishment, and also that no innocent person shall suffer an injustration of justice there should be no object or purpose considered, or contemplated, by those who may be enduties of seeing that crime shall be no wrong, that the peace, morality, happiness and prosperity of the people shall be secure, except that of a full and complete vindication of the majesty of the law as they may find it. there should be no political considerations or political success or defeat. Duty, under and in accordance with the law of the land as It may be found watchword. Thus duty may serve you shield. And, while it is true our duty will

stantly advance to a higher and broadand of all its officials to earnestly seek at all times prevail; and furthermore, so that we may inspire and merit the confidence of all good citizens. In other words, and in the highest and broadest sense of true citizenship, we should, each and all, be ministers of To all your deliberations and proceedings apply the true test, namely, common sense and common justice, coupled with persistent energy and

I also charge you, Gentlemen of the Grand Jury, to place upon all your acts from. and proceedings the indelible and unmistakable stamp of absolute fearlessness, impartiality, thoroughness, comwell seasoned with plain common sense. With these general observations regarling your duties, Gentlemen of the Grand Jury, I will now proceed to charge you more specifically thereon.

Under the Constitution of the United

ities applicable to the conditions in this of you, any such case or matter. Territory, is one punishable by impris-

of the United States, nor of the Ter- before them. shall be a qualified Grand Juror in the

to the Court, which report you will preno statute providing therefor.

absence, by any member of the Grand such indictment shall also be signed Jury. The oath or affirmation may be by the Foreman of the Grand Jury. An

substantially as follows:

Golf Skirtings

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The New Line Now In

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Special Discount This Week

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before the Grand Jury shall be the signed by the Foreman. truth, the whole truth, and nothing but Indictments or presentments, when the truth, and that you will keep secret trusted with the grave and responsible all matters and things which may come to your knowledge by reason of your Jurors, to the Court. It will also be the High Sheriff or his deputy, but was appearance or testimony as a witness before this Grand Jury, so help you commission of any indictable crime

The Attorney General, or his deputy, interrogate witnesses appearing before deputy, or brought to your attention by Among the Judges of courts and juries you. The Attorney General, or his deputy, shall advise the Grand Jury in edge or observation, or which may regard to the law of the cases that come to your knowledge from the discome before you, and draw the indictments, but, neither the Attorney General, nor his deputy, should give the duty, as well as from the grave im-Grand Jury advice as to the sufficiency portance of the matter to the public, as a spur and a clear conscience as a of the evidence to authorize the finding particularly calls your attention to the that the names were selected only from

> in receiving cumulative evidence. If, Fact." case or matter, but withdraw there- as justice may require.

An official interpreter may be pres-

vices may be required.

No person except the members of the Grand Jury shall be permitted to be the land, no person in the Territory of present luring the expression of your mitted and filed their reports thereon motion, and also for the reason that Hawaii shall be held to answer for a opinions, or the giving of your votes, which are and will remain open to ex-It would be highly improper for you to of a Grand Jury, except in cases aris- the Grand Jury room any case or mating in the land or naval forces, or in ter which may have been submitted the depleted condition of the Territorial jury. the militia, when in actual service in or which may be pending, or which time of war or public danger. A cap- may or might come before you for conital crime is one punishable with death. sideration. Neither should you permit

The accused has no right to be presenment for a period of time exceeding ent before the Grand Jury, either perone year, or such for the commission sonally or by attorney. Nor, as a matof which the individual may be deprived ter of right, can witnesses in his behalf be heard by you. The Grand Jury No person who is not a male citizen have no power to summon the accused

However, that truth and justice may prevail, and to that end only, if the who cannot understandingly speak. Grand Jury should have good and suffiread and write the English language cient reason to suspect insanity on the culpating fact, or that the charge is The number of Grand Jurors in each groundless and the accused innocent, judicial circuit of this Territory shall you ought to call for the evidence of it. twenty-three, and no indictment shall what the Court has just stated to you be found, nor shall any presentment upon this point, receive all the evidence be made, without the concurrence of at presented which may throw light upon the matter under consideration, wheth-The law provides that, from the per- er it tends to establish the innocence sons summoned, impannelled and sworn or guilt of the accused. And furtheras Grand Jurors, the Court shall ap- more, if in the course of your inquiries point a Foreman, and may remove him in a case, where the evidence already The Court may appoint an- produced fails to satisfy you of the Foreman when the necessity truth sufficiently to warrant a determi-The Foreman shall preside nation, in the consideration of which over the deliberations of the Grand evidence so produced, you have good Jury, and it will be his duty to preserve and sufficient reason to believe that order and decorum, to arrange and sys- there is other evidence, not presented day will be observed as a holiday. You temize the business that may be to you, within your reach, which would may now retire to the Grand Jury room, brought before the Grand Jury. The qualify or explain away the charge un-Court will appoint an officer to attend der investigation, it will be your duty upon you and to be at your service. to order such evidence to be produced. You may appoint or elect one of your It is contrary to common sense and members to be your clerk, to preserve natural justice that an innocent person should be indicted when you have good which minutes shall be delivered to and sufficient reason to believe that when so directed by you as a Grand there is other evidence, not presented Jury. Only such minutes of your pro- to you, but within your reach, which ceedings need be kept, however, as will would qualify or explain away the enable you to make your final report charge under investigation. I am aware that this is not the unanimous sent upon the conclusion of your la- view of the Courts and jurists, but it bors. No additional compensation can is common sense and common justice. be allowed to such clerk, there being However, do not lose sight of the fact that your proceedings must be wholly Witnesses appearing before the ex parte, and not a trial of the case. Grand Jury may be sworn in open An indictment when found by you Court or by your Foreman, or, in his shall be indersed: "A true bill," and Wednesday's labor of investigation.

indictment shall be indorsed also by

found shall be presented by the Foreman, in the presence of the other Grand open venire facias, but was directed to your duty to make inquiry as to the committed or triable in the First Judicial Circuit which may be submitted er any member of the Grand Jury may to you by the Attorney General, or his names from which the grand jury was private parties, or of your own knowlclosure of your associates.

The Court, however, from a sense of of an indictment, nor take part in your alleged recent official defalcations and Honolulu, and not from the Island of embezzlement of certain public funds Oahu as a whole, and that the Hawai-Investigations before a Grand Jury of, or which were on deposit in the ofof matters from a partisan or personal must be made in accordance with the fices of the Territorial Treasurer and standpoint, it is equally true that we well - established rules of evidence, the Superintendent of Public Works, said James H. Boyd being a member of should at all times and under any and Governing your final action in a mat- Upon this matter, as well as upon all that race. A further objection was all circumstances look forward with ter, you must have the best legal proof others of like character or alleged of which the case admits. In this re- wrong doing which may come to your spect a Grand Jury is a judicial tri- attention, involving the betrayal of the Henry Smith, as chief clerk of the Sutunal. Nevertheless a Grand Jury people's trust and confidence, Gentle- preme Court, and that the names were er plane of citizenship and material is not controlled by technical rules of men of the Grand Jury, I instruct you taken from the tax and registration evidence. A Grand Jury should receive, to make the most thorough and comin final conclusion, none but legal evi- plete investigation, and let no guilty dence, to the exclusion of mere reports, man escape. In this connection I com- grand juror to be either a voter or a suspicions, and hearsay evidence; nor mend to you the careful and thought- tax payer. It was further set out that should you hear and take into consid- ful reading of Chapters 5, 18 and 45, of the drawing should have been one huneration irrelevant or immaterial evi- the Penal Laws, entitled respectively: dred names instead of fifty and that all dence. Neither should the time of the "Principals and Accessories," "Embez- these things tend to the manifest Grand Jury be unnecessarily consumed zlement," and "Accessories After the wrong, injury and oppression of the

> in the course of your proceedings, any I also call your attention to certain proper person, and violate his rights case or matter should come before you alleged irregularities claimed to exist and privileges under the Constitution in which any individual juror or jurors in the office of the Auditor of the Ter- of the United States, and particularly shall be interested, thus disqualifying ritory, and I direct you to carefully, under the Fifth and Fourteenth him or them, he or they shall not par- thoroughly and impartially investigate Amendments to the Constitution of the ticipate in the consideration of such these matters and to take such steps United States, and Section 83 of the

> Regarding other public offices and inent at the examination of witnesses be- unless, for special reasons brought to Except the Attorney General, or his there not appearing at this time any Bolt promptly overruled the motion. deputy, the official interpreter, and wit- special reason therefor so far as the Following an assignment of the civil shall be permitted to be present during true at this time, in view of the fact excusing of certain grand jurors, that other Grand Juries preceding you Humphreys again arose and said he Legislature. Furthermore, owing to have the power to charge the grand Treasury, I urge upon you the absolute | Judge De Bolt denied the challenge

necessity and importance at this time while there must be thorough and complete investigations made, I also urge your labors, completing the same with honor." all reasonable dispatch. No member of the Grand Jury can be excused except Grand Juror is absent at any time, or delinquent, it will be the duty of the

Court will convene at 9 o'clock, a. m. and adjourn at 4:30 p. m., with a recess from 12 m. to 1:30 p. m., on all judicial days, except on Saturdays, when adjournment will be had at 12 m., and charged with embezzlement, and it was these will constitute your hours, except that your morning sessions may begin at 9:30, if you so desire, but not later. I will furnish you with a copy of these instructions for your convenience.

As Foreman of the Grand Jury, the Court appoints Mr. Peter C. Jones and as Bailiff of the Grand Jury the Court appoints Mr. W. S. Ellis. When you adjourn today it should be until 9:30 a. m., on Wednesday, to-mor-

16W, Tuesday, being a general election labors. I will ask the Attorney General to call upon you at once and confer with you regarding any matters he may have to submit

J. T. DE BOLT, First Judge, Circuit Court, First Circuit. November 3d, A. D. 1902.

P. C. Jones was appointed as foreman and W. S. Ellis as bailiff. This last appointment was made in the interests of economy Ellis already being bailiff to Judge Gear. The grand jury retired to the jury room immediately and organized, adjourning after preparing for

based on the ground that the jury had been improperly drawn. He alleged in his motion that the venire was not not served by the High Sheriff but by Chillingworth and McGurn

It was further set out that the fifty

picked, were drawn by P. D. Kellet. Jr. and that he did not exercise a fair and impartial and personal discretion in making such selection, but that he delegated such selection to George Sea and George Lucas. It is further charged ian race was discriminated against, the said James H. Boyd, now here in his Organic Act of this Territory, and the

laws of this Territory. stitutions within this Judicial Circuit, Humphreys said he desired no argument, unless the Territory did, and your attention, it is not strictly your Deputy Attorney General Cathcart sayduty to inquire into their management, ing he had nothing to say, Judge De

Court is advised. Particularly is this calendar to Judge Robinson and the have made exhaustive investigations wished to challenge the array before it into such matters and have duly sub- was sworn, for the reasons given in his the power and jurisdiction of the court amination and consideration by all per- is vested in three judges and not in one, sons, including the next Territorial and consequently Judge De Bolt did not

and proceeded to charge the jury. of limiting your investigations so far While reading the last page of his as is possible to actual or alleged charge, Judge De Bolt was again incrimes; and, even in these matters, terrupted by Humphreys, who said he again desired to challenge the grand jury and hoped "that the Supreme upon you the importance of being Court of the United States would take prompt, energetic and expeditious in the liberty of dissenting from your

George Davis who had just entered, said he wanted to challenge the jury by the order of the Court. If any also on behalf of B. H. Wright, on the same grounds, adding that he hadn't seen the motion. He said that the court Foreman to present the fact to the had no power to divide itself and that the statute was exceeded in the assumption of this power. The challenge was promptly denied in each instance. Then Davis made the challenge of behalf of A. D. Thompson, the tax clerk also denied. When some one told the attorney that Thompson had already been indicted by the last grand jury he withdrew his challenge.

OTHER CRIMINAL MATTERS

The transition cases, six of them, went over for the term, because of the appeal pending in the United States Supreme Court in the Osaki Mankichi

W. T. Rawlins was appointed to defend Umemoto, and S. H. Derby to defend O. Carpa.

Cecil Brown withdrew from the case of Enoka, as he leaves for San Francisco tomorrow. C. F. Clemmons was appointed in his place.

Judge De Bolt is disqualified in the case of the Territory vs. Yowell and the case was assigned to Judge Robinson. The same disposition was made of Territory vs. Lin Choy.

PETIT JURY CALLED. The trial jury was called in the afternoon. Guy Kelley, T. F. Richards and Chang Chow were excused for the

When you cannot sleep for coughing, it is hardly necessary that any on should tell you that you need a few doses of Chamberlain's Cough Remedy HUMPHREYS GETS IN HIS WORK. to allay the irritation of the throat, and make sleep possible. It always cures The challenge to the grand jury array and cures quickly. Benson, Smith & "You do solemnly swear (or affirm) the Attorney General, or his deputy. made by Ex-Judge Humphreys was Co., wholesale agents, sell it.